

In addition to its extensive research work, the Marshall Foundation provides educational opportunities for college students and future military leaders.

The Marshall Undergraduate Scholars program sends college history students to the Marshall Foundation to conduct primary research in the library's archives. The Marshall Army ROTC Award Seminar also provides the top ROTC cadet at each college in the United States the opportunity to participate in a national security conference with fellow award recipients and current Army leaders. The Marshall-Arnold Air Force ROTC Award Seminar provides a similar opportunity to top senior cadets at each college with an Air Force ROTC program.

Two years ago, the Marshall Foundation began the Marshall Legacy Series—this multiyear series of exhibits, lectures, and events to showcase General Marshall's contributions during the 20th century, and connects those contributions to today's world.

This is just a snapshot of the important work the Marshall Foundation conducts to honor and preserve the legacy of General Marshall. I am honored to have such a distinguished institution in my district, the Sixth Congressional District of Virginia.

General Marshall once said: "Sincerity, integrity, and tolerance are, to my mind, the first requirements of many to a fine, strong character."

I applaud the Marshall Foundation's work in sharing Marshall's vision and character with a new generation of Americans. I urge passage of this resolution to honor one of America's most sincere and distinguished public servants by congressionally designating the museum and library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

Mr. SCOTT of Virginia. Mr. Speaker, I thank my Virginia colleagues for their leadership, and I urge my colleagues to support the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BRAT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am pleased we are advancing a bipartisan proposal today, one that means a great deal to the people in my home State of Virginia, to designate the George C. Marshall Museum and Library as the National George C. Marshall Museum and Library. We do this to honor a great American hero and his enduring legacy.

Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BRAT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 33.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANTI-BORDER CORRUPTION REAUTHORIZATION ACT OF 2017

Mr. McCAUL. Mr. Speaker, pursuant to House Resolution 374, I call up the bill (H.R. 2213) to amend the Anti-Border Corruption Act of 2010 to authorize certain polygraph waiver authority, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 374, the amendment in the nature of a substitute recommended by the Committee on Homeland Security, printed in the bill, shall be considered as adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

#### H.R. 2213

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Border Corruption Reauthorization Act of 2017".

#### SEC. 2. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111-376; 6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

"(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

"(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

"(A) has served as a law enforcement officer for not fewer than three years with no break in service;

"(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

"(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

"(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency.

"(2) In the case of a current, full-time law enforcement officer employed by a Federal law enforcement agency, if such officer—

"(A) has served as a law enforcement officer for not fewer than three years with no break in service;

"(B) has authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

"(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

"(D) holds a current Tier 4 background investigation or current Tier 5 background investigation.

"(3) In the case of an individual who is a member of the Armed Forces (or a reserve com-

ponent thereof) or a veteran, if such individual—

"(A) has served in the Armed Forces for not fewer than three years;

"(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret / Sensitive Compartmented Information clearance;

"(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

"(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

"(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

#### SEC. 3. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111-376) is amended to read as follows:

#### "SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

"(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

"(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under subsection (b) of section 3 who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

"(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under subsection (b) of section 3 if information is discovered prior to the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be."

(b) REPORT.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new section:

#### "SEC. 5. REPORTING.

"Not later than one year after the date of the enactment of this section and every year for the next four years thereafter, the Commissioner of U.S. Customs and Border Protection shall provide the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the number, disaggregated with respect to each of paragraphs (1), (2), and (3) of subsection (b) of section 3, of waivers requested, granted, and denied, and the reasons for any such denial, and the final outcome of the application for employment at issue. Such information shall also include the number of instances a polygraph examination was administered under the conditions described in subsection (c) of section 4, the result of such examination, and the final outcome of the application for employment at issue."

(c) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

#### "SEC. 6. DEFINITIONS.

"In this Act:

"(1) LAW ENFORCEMENT OFFICER.—The term 'law enforcement officer' has the meaning given

such term in sections 8331(20) and 8401(17) of title 5, United States Code.

“(2) *VETERAN*.—The term ‘veteran’ has the meaning given such term in section 101(2) of title 38, United States Code.

“(3) *SERIOUS MILITARY OR CIVIL OFFENSE*.—The term ‘serious military or civil offense’ means an offense for which—

“(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

“(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635-200 chapter 14-12.

“(4) *TIER 4; TIER 5*.—The terms ‘Tier 4’ and ‘Tier 5’ with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.”.

The SPEAKER pro tempore. The gentleman from Texas (Mr. MCCAUL) and the gentleman from Texas (Mr. VELA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. MCCAUL).

#### GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill, H.R. 2213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO POSTPONE PROCEEDING ON AMENDMENT TO H.R. 2213, ANTI-BORDER CORRUPTION REAUTHORIZATION ACT OF 2017

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that the question of adopting amendment No. 1 to H.R. 2213 may be subject to postponement as though under clause 8 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume, and in support of the Anti-Border Corruption Reauthorization Act of 2017.

Mr. Speaker, the failed immigration policies of the previous administration have kept our borders open, weakened our national security, and put millions of American lives at risk from an increasing number of grave and growing threats. These threats come from drug cartels, gang members, human traffickers, and international terrorists who seek to do our country harm.

Fortunately, we now have a partner in the White House who understands that we cannot rely on the oceans or other natural boundaries alone to separate us from those looking to infiltrate our homeland.

This morning, I was once again pleased to welcome Secretary Kelly before the Committee on Homeland Security and listen to him articulate the importance of border security to the Trump administration.

We know we need a 21st century border to meet 21st century threats. Sadly, every few days, we hear a story on the news that reminds us of the dangerous consequences of Washington's inability to achieve that goal.

As a former Federal prosecutor and the chief of counterterrorism and national security in the U.S. Attorney's Office in Texas, I have seen how people take advantage of our Nation's open borders. Over time, those who are determined to come here illegally become agile. They adapt to the measures that we take to stop them. It is obvious that we need a new approach.

When it comes to strengthening our borders, additional funds and new technology will be necessary. However, our strongest assets are the courageous men and women who serve as Border Patrol agents and Customs and Border Protection officers. These patriots put their lives on the line every single day to protect us while also safeguarding our economic relationships that boost American jobs and grow American businesses.

However, we are almost 1,800 Border Patrol agents and 1,000 CBP officers short of having the force that we need to keep our borders secure. Our forces are stretched thin and our efforts to recruit additional officers and agents have slowed due to strict requirements for new applicants. Currently, it takes an average of 113 applicants to hire just one new officer or agent. This is a major problem that must be addressed.

This legislation offers a solution by providing the CBP Commissioner with the flexibility to hire State and local law enforcement officers who have already served for 3 years without a break in service, are not under investigation or have been found guilty of misconduct, and have previously passed a law enforcement polygraph exam.

It also provides the CBP Commissioner with the authority to hire members and veterans of the armed services who have held security clearances and who have already completed a robust background check.

To put it simply, this bill will make it easier for some of America's finest law enforcement officers and soldiers to help protect our borders.

As drugs continue to creep into our neighborhoods and wreak havoc on our communities and terrorists advance their plans to attack our country and disrupt our way of life, we must make sure we have an adequate force to protect our borders.

This needs to be a priority. This should not be a partisan issue. In fact, Mr. Speaker, this bill passed unanimously out of my committee. Members from both parties should come together, as they did at the committee level, as Mr. VELA did, and support this effort.

American families deserve to know that we are doing everything we can to keep our homeland safe. This legislation gives us a chance to do just that.

I would like to thank my colleague and chairwoman of the Subcommittee on Border and Maritime Security, Congresswoman MCSALLY from Arizona, for all of her hard work on this bill. As a Representative from a district along

our Southern border, she fully understands more than any Member the seriousness of this issue.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. VELA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

I have forcefully rejected the President's mass deportation efforts from the beginning, and I will continue to do so.

Many of us have appropriately criticized our President for wrongfully attributing the criminal actions of a few undocumented individuals to the entire undocumented population. Equally here, it would be hypocritical to attribute the criminal actions of a few rogue agents to the hardworking men and women that protect our Nation every day and who uphold the ethical standards that we should expect.

The Anti-Border Corruption Reauthorization Act of 2017 will assist CBP in fulfilling its mission to facilitate legitimate trade and travel at our ports of entry.

According to the Joint Economic Committee, the volume of commerce crossing our borders has more than tripled in the last 25 years. Currently, 1.1 million people and \$5.9 billion in goods enter and exit the U.S. at 328 U.S. ports of entry every day.

In fiscal year 2016, CBP officers and agents seized and/or disrupted more than 3.3 million pounds of narcotics across the country, including approximately 46,000 pounds of methamphetamine, 48,000 pounds of heroin, and 440 pounds of fentanyl, keeping these harmful drugs off of our streets.

CBP has struggled with recruiting the officers and agents to fill its frontline ranks at our Nation's air, land, and seaports. Currently, there are 1,400 unfilled positions within the CBP workforce at our Nation's ports of entry. Delays and short staffing at our ports of entry costs the United States economy up to \$5.8 billion each year.

Under this bill, the CBP Commissioner may, on a case-by-case basis, exempt certain veterans and State and local law enforcement officers who meet specific standards, such as holding a security clearance and previously passing a polygraph, from having to take the CBP polygraph as a part of the hiring process. All other vetting requirements in the 12-step hiring process for these applicants will still apply.

This bill simply grants CBP limited authority to waive a single step in its robust vetting process for qualifying applicants who hold security clearances or who have successfully completed polygraphs.

I would like to thank Chairman MCCAUL, Ranking Member THOMPSON, and Chairwoman MCSALLY for their work on this bill. I also thank Chairman MCCAUL and Chairwoman MCSALLY by accepting changes offered by the minority to improve this bill.

Ranking Member THOMPSON offered an amendment in committee to require CBP to report to Congress how many of these waivers are requested, granted, and denied; the reasons for these denials; as well as whether these applicants are ultimately hired or not.

□ 1515

Additionally, it requires CBP to inform Congress on the number of applicants who are granted a waiver but undergo a polygraph examination anyway based on information discovered during their background investigation. Congress must remain vigilant about how the waiver authority is used, and this amendment will ensure we have the information to do so.

Mr. Speaker, in short, the men and women on the front lines of CBP need our help. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Arizona (Ms. MCSALLY), the sponsor of the bill and the chairwoman of the Subcommittee on Border and Maritime Security.

Ms. MCSALLY. Mr. Speaker, I rise today in strong support of my bill, H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

U.S. Customs and Border Protection has two key missions: securing the border and facilitating cross-border commerce that powers the Nation's economic growth. In order to accomplish those missions, they need enough agents and officers to be able to make arrests, interdict drug loads, screen cargo from countries of concern, or move legitimate commerce and passengers through an air, land, and sea port of entry.

U.S. Border Patrol agents and CBP officers are, at the end of the day, the most important border security and trade resource we have. Unfortunately, they are in short supply these days, which has created a national security and economic vulnerability that this Congress must address.

CBP is critically understaffed and remains well below its congressionally mandated staffing levels by more than 1,000 CBP officers and 1,800 border patrol agents. The manpower shortage is getting worse. We are losing ground every single month, and there is no end in sight as we continue to lose experienced agents and officers through attrition without the ability to efficiently hire new ones. For example, CBP has invested \$200 million in a port of entry infrastructure in Arizona, alone, over the last 8 years, but there is simply not enough staff to open up every lane that is available.

I want to emphasize this point: officer and agent shortages did not happen overnight. The U.S. Border Patrol has not met its congressionally mandated hiring numbers since fiscal year 2014, and CBP has been losing officers to man our ports since early in fiscal year 2016.

At the current hiring rate, approximately 113 applicants go through the process in order to hire a single officer or agent. That means CBP needs to have hundreds of thousands of people apply just to meet their current needs. We need more manpower to properly secure our border, screen passengers at our Nation's airports who arrive from overseas, and facilitate cross-border commerce that powers our economy.

There are several underlying issues that are responsible for these current staffing woes. For starters, it takes more than 292 days for these 12 distinct steps, on average, to hire a new officer or agent. And even with the newer expedited system that is supposed to condense these steps into just several days, it still takes an average of 160 days to complete the process. Very few people can wait somewhere between 6 months to a year for a job. We are losing very experienced and already vetted applicants.

Several years ago, the committee began working directly with the previous administration to find solutions to these staffing problems and the hiring process. The bill under consideration today represents the fruits of that bipartisan work and, as a result, was passed out of the Homeland Security Committee unanimously last month.

My bill allows the Commissioner of CBP to waive the polygraph requirement for current State and local law enforcement officers who have already passed a polygraph examination, Federal law enforcement officers who have already passed a stringent background investigation, and veterans with at least 3 consecutive years in the military who have held a security clearance and passed a background check.

These exemptions are purely discretionary, not mandatory. If there is something in an applicant's history or background that causes CBP concern, they can still use the polygraph exam to resolve those questions.

These small changes will provide CBP with immediate relief so they are able to quickly, yet judiciously, hire officers and agents from a pool of qualified applicants who already maintain the public's trust and put their lives on the line for our security and our safety on a daily basis.

I want to make my position very clear. Everyone who applies to be a CBP officer or Border Patrol agent should be thoroughly vetted to ensure there are no integrity issues in their background and they are not at risk for corruption. That is how the current system operates, and nothing in this bill would change that. That is why Congress required polygraph examinations and stringent background checks for agents in the first place.

I fully support the use of polygraph examinations to weed out people who are unfit to wear the badge or carry a gun, but we can and should make these very narrow, sensible, and straightforward allowances to permit CBP to

hire those who have already been vetted and proven by their service in uniform that they are suitable to become agents and officers.

The National Treasury Employees Union, who represent the officers who are stationed at the ports of entry; the Non Commissioned Officers Association, who represent many of our veterans; the Fraternal Order of Police; the Border Trade Alliance; the U.S. Chamber of Commerce; and the Department of Homeland Security all support this bill. Indeed, this is a rare bill that has united both management and labor.

I include these letters of support in the RECORD.

THE NATIONAL TREASURY  
EMPLOYEES UNION,  
June 5, 2017.

DEAR REPRESENTATIVE: On behalf of the Customs and Border Protection (CBP) Officers at the Department of Homeland Security who are stationed at 328 land, sea and air ports of entry represented by the National Treasury Employees Union (NTEU), I ask you to vote YES on H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017. This legislation would expand the applicant pool for vacant CBP Officer positions by allowing the CBP Commissioner to waive polygraph requirements for certain categories of job applicants.

NTEU continues to have significant concerns about the slow pace of hiring at CBP. CBP has struggled to fill 2,000 Officer positions that Congress authorized in 2014. A major impediment to fulfilling CBP's hiring goal is that CBP is the only federal agency with a congressional mandate that all front-line officer applicants receive a polygraph test. Two out of three applicants fail its polygraph—about 65 percent—more than double the average rate of eight law enforcement agencies according to data provided to the Associated Press. The eight law enforcement agencies that supplied this information showed an average failure rate of 28 percent. As an example, the U.S. Drug Enforcement Administration failed 36 percent of applicants in the past two years.

NTEU does not seek to reduce the standards used by CBP in their hiring process, but believes that there is a problem with how the polygraph is currently administered. We have asked CBP to review its current polygraph policy to understand why CBP is failing applicants at a much higher rate than individuals applying to work at other federal law enforcement agencies. H.R. 2213 expands the authority to waive polygraph examinations for certain veterans and law enforcement officers, while also safeguarding CBP's right to administer the polygraph for these exempted applicants if a need arises.

Improving the current polygraph program should help in expediting the CBP Officer hiring process so that the existing 1,400 vacancies can be filled allowing CBP to move forward with funding and hiring the 2,107 additional Officers required by CBP's Workforce Staffing Model. NTEU also recommends that CBP allow immediate polygraph re-testing opportunities to those with a No Opinion or Inconclusive result, including those with a No Opinion Counter Measures finding.

NTEU asks you to vote YES on H.R. 2213.  
Sincerely,

ANTHONY M. REARDON,  
National President.

NON COMMISSIONED OFFICERS  
ASSOCIATION,  
June 6, 2017.

Hon. RON JOHNSON,  
*Chairman, Committee on Homeland Security  
and Governmental Affairs, U.S. Senate,  
Washington, DC.*

DEAR CHAIRMAN JOHNSON: On behalf of the Non-Commissioned Officers Association (NCOA), a Veteran Service Organization of over 55,000 members, I am writing to offer support for the "Anti-Border Corruption Reauthorization Act of 2017," which was ordered reported as S. 595 by the Senate Homeland Security and Governmental Affairs Committee on May 17, 2017, and reported as H.R. 2213 by the House Homeland Security Committee on May 16, 2017. NCOA supports the goal of increasing border security through easing polygraph requirements for Veterans who have already taken a polygraph and are interested in serving the border security mission.

NCOA has been working with CBP to help fulfill its hiring and recruiting mission. CBP is faced with numerous challenges—many of which can be assisted by looking to our nation's transitioning Veterans. NCOA has had an extensive and national transition program for our NCOs for decades and believe that our Veterans are qualified, trained, and committed to the mission of protecting our nation.

NCOA supports amendments to the Anti-Border Corruption Act of 2010 (Pub. L. No. 111-376), which fosters integrity in the workplace by requiring that all CBP applicants for law enforcement positions receive a polygraph examination before being offered employment. The amendments proposed by S. 595 and H.R. 2213 would enable CBP to develop a risk-based approach to extend polygraph waiver eligibility to an applicant who falls under one of three categories and satisfies specific criteria including but not limited to:

1. A Current State or Local Law Enforcement Officer with a successfully completed polygraph examination with the applicant's law enforcement agency, at least three consecutive years employed as a fully authorized law enforcement officer, and no history of criminal activity or serious misconduct;

2. A Current Federal Law Enforcement Officer with at least three consecutive years employed as a fully authorized federal law enforcement officer, a current/in-scope Tier 4 Background Investigation or a Tier 5 Single Scope Background Investigation, and no history of criminal activity or serious misconduct; or

3. A Transitioning Military Service Member, Veteran, or Member of the Reserves or National Guard who has at least four years of service in the military, no history of criminal activity or serious misconduct, and who holds or has held (within the past five years) a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance and was not granted any waivers to obtain that clearance.

NCOA believes the flexibility to waive the polygraph for the Veteran categories outlined in the amendment makes sense and would potentially expedite their onboarding to a position in border patrol. Currently, the onboarding process simply takes too long and CBP loses great candidates, and Veterans go elsewhere.

We also strongly disagree with objections to this small alteration to the polygraph policies—we are talking about Veterans and others who have already committed their lives to protecting the nation and its citizens and to say otherwise is pure fallacy and dirty politics.

Thank you for your attention and for your efforts to help secure our borders and enable

transitioning Veterans to find meaningful employment.

Respectfully,

JON OSTROWSKI,  
*BMCS (ret.) U.S. Coast Guard,  
Executive Director, NCOA.*

NATIONAL FRATERNAL ORDER  
OF POLICE,  
Washington, DC, June 7, 2017.

Hon. PAUL D. RYAN,  
*Speaker of the House, House of Representatives,  
Washington, DC.*

Hon. KEVIN O. MCCARTHY,  
*Majority Leader, House of Representatives,  
Washington, DC.*

Hon. NANCY P. PELOSI,  
*Minority Leader, House of Representatives,  
Washington, DC.*

Hon. STENY H. HOYER,  
*Minority Whip, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER AND REPRESENTATIVES MCCARTHY, PELOSI AND HOYER: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 2213, the "Anti-Border Corruption Reauthorization Act," and to urge the House to pass it.

The pace of hiring at the Customs and Border Protection in the U.S. Department of Homeland Security has been problematic for several years. This legislation would expand the applicant front line officers pool to fill vacant officer positions at CBP by allowing the Commissioner to waive the polygraph requirements in certain cases. The CBP is one of the few Federal agencies that requires all its front-line officers to pass a polygraph—a test that two of three applicants will fail. This rate of failure is considerably higher than other Federal law enforcement agencies and the FOP strongly recommends that how these tests are administered be reviewed to determine why this is the case.

The bill will give the CBP greater flexibility by allowing the polygraph test to be waived for certain veterans and law enforcement officers. This will enable the CBP to fill its positions without compromising the integrity of their hiring process.

On behalf of the more than 330,000 members of the Fraternal Order of Police, we are pleased to support this legislation and look forward to its passage in the House. If I can be of any further assistance on this or any other issue, please do not hesitate to contact me or my Senior Advisor Jim Pasco in my Washington, D.C. office.

Sincerely,

CHUCK CANTERBURY,  
*National President.*

BORDER TRADE ALLIANCE,  
Washington, DC, June 7, 2017.

Hon. MARTHA MCSALLY,  
*Washington, DC.*

DEAR REPRESENTATIVE MCSALLY: The Border Trade Alliance (BTA) supports your legislation, H.R. 2213, The Anti-Border Corruption Reauthorization Act of 2017, which contains important reforms to the polygraph examination process employed in the recruitment of Customs and Border Protection officers.

For over 30 years, the BTA has sought to support public policies that encourage robust cross-border trade while ensuring our ports of entry have the resources necessary to process that trade securely and efficiently. Adequate port staffing is critical to realizing those goals.

We share your belief that CBP's ability to recruit new officers into its ranks is hamstrung by a polygraph screening that is overly burdensome and not properly aligned with the needs of today's CBP.

CBP's failure to meet Congress' calls for hiring 2,000 new officers must be addressed

swiftly, or our borders will continue to be characterized by long delays and congestion.

Your bill wisely seeks to streamline the recruitment process by waving the existing polygraph exam process for current state or local law enforcement officers in good standing if they have already completed a polygraph examination as a condition of their employment or, in the case of federal law enforcement officials, have already completed a Tier 4 or 5 background investigation. In the case of members of the military or veterans, your bill allows the polygraph exam to be waived for individuals who have received high level security clearances. Finally, your legislation contains an added level of security by permitting CBP to administer a polygraph exam in those cases where a background investigation indicates a polygraph examination is necessary to make a final determination regarding an applicant's suitability for employment or an employee's continued employment.

The reforms contained in your legislation are important as we seek new ways to attract talented, qualified individuals into CBP careers with as few redundant, bureaucratic hurdles as possible, while still strengthening border security and ensuring the highest degree of confidence in new recruits.

The Border Trade Alliance is proud to support your legislation and we commend you for working in a bipartisan fashion. Our organization stands ready to assist you in your efforts to advance this bill through to passage.

Sincerely,

RUSSELL L. JONES,  
*Chairman.*  
BRITTON CLARKE,  
*President.*

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, May 4, 2017.

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

Hon. BENNIE THOMPSON,  
*Ranking Member, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: The U.S. Chamber of Commerce supports H.R. 2213, the "Anti-Border Corruption Reauthorization Act of 2017." This legislation is a positive development for national security, veterans' employment, and facilitating trade and travel as it addresses the shortage of U.S. Customs and Border Protection (CBP) officers at our borders.

Over the past several years, attempts have been made to increase the ranks of CBP officers. It is clear from CBP's own staffing model that additional resources are needed to adequately secure the homeland and facilitate legitimate trade and travel. This legislation would provide the flexibility to expedite the hiring process for qualified individuals who have already proven themselves through service in local law enforcement or the military.

To meet the staffing levels set by Congress, this legislation is critical and would help on both the national security and economic fronts. A recent study found that every batch of 33 CBP officers hired could lead to an increase in GDP of \$61.8 million and employment gains of 1,053 jobs in the U.S.

The Chamber appreciates the Committee's continued engagement to ensure that our borders have the appropriate resources and looks forward to advancing this bipartisan legislation.

Sincerely,

NEIL L. BRADLEY.

U.S. DEPARTMENT OF  
HOMELAND SECURITY,  
Washington, DC, June 2, 2017.

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCCAUL: On behalf of the Department of Homeland Security (DHS), I am writing to offer support for the "Anti-Border Corruption Reauthorization Act of 2017," which was ordered reported as S. 595 by the Senate Homeland Security and Governmental Affairs Committee on May 17, 2017, and reported as H.R. 2213 by the House Homeland Security Committee on May 16, 2017. DHS supports the goal of increasing border security through balanced investments in infrastructure, technology, and personnel.

CBP has worked aggressively during the past two years to implement its multifaceted recruitment strategy and execute large-scale improvements to its frontline hiring process. While these efforts have led to considerable progress in many areas, CBP is examining every aspect of its pre-employment hiring process to identify areas in which additional improvements can be made. CBP's challenges in recruitment are, to a great extent, contingent on our rigorous hiring process, which is designed to ensure only those individuals who meet the qualifications of CBP's frontline positions and have the highest degree of integrity are recruited to serve as agents and officers safeguarding our borders and ports of entry. While many modifications to streamline the pre-employment hiring process are being considered, CBP will not lower its high standards for any of its frontline personnel.

DHS supports amendments to the Anti-Border Corruption Act of 2010 (Pub. L. No. 111-376), which fosters integrity in the workplace by requiring that all CBP applicants for law enforcement positions receive a polygraph examination before being offered employment. The amendments proposed by S. 595 and H.R. 2213 would enable CBP to develop a risk-based approach to extend polygraph waiver eligibility to an applicant who falls under one of three categories and satisfies specific criteria including but not limited to:

1. A Current State or Local Law Enforcement Officer with a successfully completed polygraph examination with the applicant's law enforcement agency, at least three consecutive years employed as a fully authorized law enforcement officer, and no history of criminal activity or serious misconduct;

2. A Current Federal Law Enforcement Officer with at least three consecutive years employed as a fully authorized federal law enforcement officer, a current/in-scope Tier 4 Background Investigation or a Tier 5 Single Scope Background Investigation, and no history of criminal activity or serious misconduct; or

3. A Transitioning Military Service Member, Veteran, or Member of the Reserves or National Guard who has at least four years of service in the military, no history of criminal activity or serious misconduct, and who holds or has held (within the past five years) a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance and was not granted any waivers to obtain that clearance.

DHS values the demonstrated commitment and trustworthiness that these applicants bring to the mission, and the quality of vetting already performed at the state, local and Federal levels for these individuals in sensitive positions. Waivers will not be granted lightly as each criterion will be carefully vetted and reviewed to ensure verification.

DHS believes the flexibility to waive the polygraph for individuals in these limited

populations would potentially expedite their onboarding and allow CBP to direct more resources toward the processing of other groups of applicants, preventing potential bottlenecks in the hiring pipeline. Additionally, the bills would retain the requirement for these specific applicants, like all CBP law enforcement applicants, to undergo a Tier 5 background investigation. Should derogatory information be detected during an applicant's background investigation, CBP may then choose to administer a polygraph examination.

DHS believes this approach enables CBP to weigh pre-employment risks and implement mitigation measures in order to improve its hiring capacity without lowering standards. By affording CBP the flexibility to waive the polygraph examination for eligible individuals in one of these categories, DHS believes CBP will be able to boost applicant numbers and the number of persons entering the academy to begin training. Additionally, retaining the requirement for all law enforcement applicants to undergo a Tier 5 background investigation (the highest level), coupled with random drug testing, periodic reinvestigation, and the continuous evaluation of employees for criminal conduct, will assist in mitigating any potential risk.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter to Congress.

I appreciate your support of DHS, and I look forward to working with you on this polygraph waiver legislation and future homeland security issues. I have sent identical letters of support to the Ranking Member of the Senate Homeland Security and Governmental Affairs Committee, the Chair and Ranking Members of the House Committee on Homeland Security and its Border and Maritime Security Subcommittee, whose Chairwoman introduced H.R. 2213, and Senator Flake who introduced S. 595.

Respectfully,

BENJAMIN CASSIDY,

*Assistant Secretary for Legislative Affairs.*

Ms. MCSALLY. Let me close with just this example.

I served in the Air Force for 26 years. In that time, I held a Top Secret/SCI clearance with access to compartmentalized programs as well, some of the most sensitive information that our government possesses. I was entrusted to fly a \$12 million aircraft, command a squadron, run counterterrorism operations and combat search and rescue operations, retiring as a colonel, yet I have never taken a polygraph exam like the one required if I wanted to be a Border Patrol line agent after I retired, but I was subjected to periodic, very detailed background checks, background investigations, now called a tier 5 investigation, which is one that every single one of these agents and officers will also have to go through. It is a very invasive and thorough investigation. They talk to your neighbors, your coworkers, look in your financial records, your employers, you name it, to make sure that you are qualified.

So this example is a mismatch of public trust and it doesn't make any sense, and we need to give the CBP Commissioner discretion on a narrow case-by-case basis to fully vet applicants in the way that makes the most sense to fill these positions while preventing corruption.

I would like to thank Chairman MCCAUL and Ranking Member THOMPSON, and especially my ranking member, Mr. VELA, for his support and work with us on this important bill.

Mr. VELA. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I do not at all question the intentions of the proponents of this bill. I understand that the entire rationale is to expedite hiring because of the vast number of vacancies. I do, however, question the wisdom of this approach.

I think it is worth noting that, currently, two-thirds of the applicants for CBP fail the polygraph test; and that is important not as a barrier, but because that polygraph test reveals misconduct that makes them ineligible.

Now, the current Department of Homeland Security inspector general, John Roth, has expressed strong reservations about polygraph changes, the waivers, and, specifically, about these bills. He indicates that we need to identify other ways to make hiring more efficient "without sacrificing integrity and effectiveness." And, in fact, the DHS OIG is currently auditing the CBP polygraph program, as is the GAO.

If you take a look at the bill, it allows for exemptions of the polygraph to certain categories of people, one of which is law enforcement officers who have undergone a polygraph examination as a condition of employment within the past 10 years. Well, you know, there was actually a Freedom of Information request on who flunked the polygraph tests in the CBP, and what has come out is that people who fall into this exemption admitted conduct that would make them ineligible, including child pornography, smuggling of drugs, theft.

It is fine to say that this would only be used when you knew that there wasn't a problem. The problem with that argument is sometimes you don't find out what the problem is until you subject the applicant to a polygraph or they know that they are about to be subjected to a polygraph, in which case, they own up.

So the Border Patrol is to be honored; they do a great job for us. But we know that the Sinaloa drug cartel is trying to recruit applicants. The last thing we need is for them to succeed, for our sake as well as for our brave men and women in the Border Patrol.

Mr. MCCAUL. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. HIGGINS).

Mr. HIGGINS of Louisiana. Mr. Speaker, today I rise in support of H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

Mr. Speaker, this bill is about standing up for Border Patrol cops. Border Patrol is woefully undermanned. This bill addresses this serious issue. In order to stand strong against jihadist terror and cartel organized crime, we

must have an adequate number of boots on the ground.

Mr. Speaker, I served my community for many, many years as a street cop. I know exactly what it is to work patrol under dangerous, exhausting conditions. My Border Patrol brothers and sisters of the thin blue line are stretched too thin.

Hear my words: These are high caliber law enforcement professionals, but they are well below the staffing levels mandated by Congress.

This bill is not about lowering standards, as some critics claim. To the contrary, this bill allows for a common-sense approach to hire experienced, highly qualified patriots to fill the ranks of our front lines. This bill allows reasonable degrees of discretion that streamline the vetting and hiring process at Customs and Border Patrol.

I would like to thank Chairwoman MCSALLY for introducing this bill, and I urge my colleagues to support the law enforcement community and vote in favor of this important legislation.

Mr. VELA. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I had the benefit, of course, of hearing my colleague, Congresswoman LOFGREN, and I appreciate my colleagues on the other side because, agreed, we all want there to be the right sort of national security protections at the border, but we want to make sure that we are maximizing those opportunities and recognize that there has been an issue of being able to address the shortage of officers. But to address a workforce shortage by minimizing the very requirements that not only preserve our national security and protect the men and women at our border, I would agree, is not the way that we should be proceeding.

Mr. Speaker, in fact, I rise in opposition to the Anti-Border Corruption Reauthorization Act. As a Member from a border State that heavily trades with Mexico, I certainly understand the value of having sufficient customs officials manning our ports of entry and agents protecting our border; but eliminating the critical polygraph requirements for certain CBP applicants only undermines our Nation's safety, given this agency's historic connection to organized crime, drug cartels, and corruption.

The DHS inspector general has warned that weakening CBP polygraph requirements would make our southern border more vulnerable and that we should, instead, identify ways to make hiring more efficient without sacrificing integrity and effectiveness.

Mr. Speaker, in fact, I live in a community that the FBI has now identified as one of the most dangerous cities in the country, Albuquerque, New Mexico, primarily because of the drug cartel. The drug trade in our city and in our State is significant, so we understand having sufficient officers.

While I strongly oppose this bill, I am committed to working with my colleagues and CBP to identify solutions that won't jeopardize national security.

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, in the preamble of the Constitution, our Founding Fathers explained a more perfect Union required the Federal Government to do a few things, and to do them well. At the top of the list is the Federal Government's responsibility to provide for the common defense and secure our freedom.

There is no freedom without security. These concepts, these pillars upon which this great Nation was founded, must be proactively protected every day by men and women across this Nation. A select few of those men and women wake up every morning to patrol and protect our sovereign Nation's border in the face of drug smuggling, human trafficking, and violent criminal activity.

□ 1530

They work to safeguard our Nation, enforce the rule of law, and promote free trade and commerce through our ports of entry. Yet the previous administration's policy left our Border Patrol and Customs operations hamstrung and significantly understaffed.

As someone who represents a border State, I have seen and experienced those vulnerabilities firsthand.

To say that our Border Patrol and Customs operations are woefully understaffed is woefully understated. We are almost 3,000 officers and agents short of the minimum that is mandated by Congress. One reason for this understaffing is the unreasonable and protracted hiring processes.

In 2015, it took more than 460 days, on average, and 11 separate steps to hire a new officer or agent. This is absolutely absurd, even by government standards, and it must be fixed. That is why today I am proud to cosponsor H.R. 2213. This legislation provides a more commonsense and expeditious process for hiring border personnel.

We also need enough Customs officers to foster efficient trade for a robust economy. A recent study found that every batch of 33 CBP officers hired could lead to an increase in GDP of \$60 million and an employment gain of over 1,000 jobs. For too long, the Federal Government has abdicated its chief responsibility of securing our borders and protecting our citizens. We must put the safety and security of the American people first and give our Border Patrol and the CBP the staff they need to do their job.

Mr. Speaker, therefore, I urge my colleagues to support H.R. 2213, and I applaud Chairman MCCAUL, Ranking Member VELA, and Representative MCSALLY for their leadership on this critical issue.

Mr. VELA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ of Texas. Mr. Speaker, I rise in support of H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

This legislation aims to address a staffing issue that has plagued the United States Customs and Border Patrol for many years.

H.R. 2213 would add the option to waive the polygraph test for a select few individuals who have already successfully taken and passed a similar polygraph test in the past. These individuals are veterans, members of our Armed Forces, or law enforcement officers with clean records and years of honorable service.

A veteran with secret clearance and an honorable discharge, 3 years of service, and a tier 5 background check is someone I would hold in high regard and exempt from an unnecessary polygraph.

I would not be in favor of this bill if it was exempting a polygraph test to the general public. This is a special group—our veterans and our law enforcement.

This legislation would not change the United States Customs and Border Patrol requirements for background checks or interviews. Customs and Border Patrol would still have their candidates undergo the regular battery of tests and checks. Customs and Border Patrol would still ask a candidate who waived the polygraph under these proposed changes to take the examination. This bill will not lower the standards for entry. Rather, the flexibility it provides would prevent potential bottlenecks in the hiring pipelines and eliminate redundancy.

Mr. Speaker, I would like to appease the concerns of several of my colleagues and say that this is not about building up a deportation force. Mr. Speaker, I would like to reaffirm that this legislation exclusively applies to Customs and Border Patrol, and it will not change the hiring procedures for Immigration and Customs Enforcement. This bill is about ensuring the agency hires only the best and the most honorable candidates. This bill is about providing employment and advancement opportunities for our servicemembers and law enforcement and creating job opportunities for those living in our border communities and border States.

Mr. Speaker, I also live in a border community, and I support this bill.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER), the chairman of the Homeland Security Appropriations Subcommittee.

Mr. CARTER of Texas. Mr. Speaker, this polygraph waiver provision that is proposed here is a darn good idea that is a long time overdue from happening. The reality is the hiring process of the Border Patrol, and, in fact, I would argue almost everything under my jurisdiction in Homeland Security, is as slow as molasses in the wintertime. It just doesn't move.



Meanwhile, we have got skilled law enforcement people applying, skilled former veterans with high clearances who are applying for these jobs and being stumbled by the lack of polygraph operators available to do it.

This is a choice and a right choice of setting a priority for those people who have served, proving their worth, and are asking to be part of the defense of our national borders. I support this wholeheartedly. I support Chairwoman MCSALLY's concept here. It is great. It starts a new way of doing things. We need more than anything else in the Federal Government—if a new way of doing things is the right way, we ought to be doing it. Nobody is going to keep from checking on people. You can still make them take a polygraph if you run across something you don't like. But it is a good idea whose time has come. Let's be modern Americans and have new ideas and make those new ideas work.

I commend everyone here in support of this. I am proud to be a cosponsor of this bill, and I think, for a change, government is making a good start at new ideas.

Mr. VELA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I will not mince words. Anyone who votes for this bill is voting to support and implement Donald Trump's views on immigration, his desire to militarize our southern border, and his fantasy of a mass deportation force. You cannot spin it any other way.

If we want to lower the standards for screening and hiring CBP officers, eliminate checks that could help weed out candidates with criminal histories or criminal intentions, and water down the integrity of this important national security source, this bill is for you.

But if you care about border security and the integrity of the officers, you should join me in voting against the bill.

To me and a lot of other people watching this debate, this is about something else. Remember that man descending the golden escalators at Trump Tower announcing his campaign for President by saying Mexicans who come to the U.S. are rapists, drug dealers, and murderers? Remember him? Do you want to buy into his vision of immigrants as a brown horde intent on doing America harm?

If you are onboard with this, you are also onboard with building a wall; onboard with billions to be spent on deporting moms and dads who have lived here for decades; going after DREAMers as the Trump administration is doing today, deporting DREAMers from the United States of America. Where do you want to draw the line on the Trump deportation agenda? I say draw the line right here, right now, and don't give another inch. There are many ways to secure the Nation, but watering down the hiring standards of

our men and women in uniform should not be one of them. Let's secure the border. Let's have them have the same test at the border that you have a DEA agent, FBI agent, Secret Service agent. What are we going to do? Not have them take polygraph tests? That is going to make America safe. I doubt it.

Mr. MCCAUL. Mr. Speaker, I reserve the balance of my time.

Mr. VELA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I want to thank Representative VELA for yielding time to me and also Chairman MCCAUL and the folks who have been working on this particular bill.

CBP currently has a staffing deficit of 3,000 individuals for the uniform components, that is the U.S. Border Patrol, Office of Field Operations, Air and Marine Operations, which jeopardizes our national and our economic security.

This legislation does not cover ICE, CBP, Border Patrol, and Air and Marine. Nobody else. This has nothing to do with deportation.

Long before President Trump became a candidate for the office, Congress authorized CBP to hire an additional 2,000 officers. That was about 4 years ago. Chairman CARTER, MICHAEL MCCAUL, we authorized 2,000 officers. Up to now, Mr. Speaker, we have not been able to hire those 2,000 officers because of the polygraph exam.

In fact, 65 percent of those individuals who applied for CBP are rejected, which is twice the amount that you have for other Federal officers, FBI, DEA, when they take their polygraph. I am talking about polygraph exams.

Again, this does not cover ICE. What this bill actually does, it will strengthen CBP's efforts to secure our border by filling those positions. I represent Laredo, the largest inland port, 14,000 traders a day. They have been delayed because we don't have enough CBP officers, and we need to get them.

What this bill does, it does not lower the standards. I emphasize, it does not lower the standards. It streamlines the background investigation for a limited number of veterans, military officers, law enforcement. If you are a local law enforcement and you take a polygraph exam, then you can ask for this waiver. Or if you are a servicemember or a veteran with the highest background investigation, you can get a waiver. Or if you are current Federal law enforcement with the highest background exam, you can get a waiver. But, again, if somebody finds out those vetted individuals still need to take a polygraph, then you would take it.

Finally, the last thing to conclude is, Members, this is not the first time we have gotten a waiver.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VELA. I yield the gentleman an additional 30 seconds.

Mr. CUELLAR. If you look at the National Defense Authorization poly-

graph waiver language, CBP has already gotten requests for waivers. In fact, it has already been done. This is not the first time that we are doing this. It is already the law. It doesn't bring down the standards. It allows us to have more men and women at the border, and this is why I ask you to support this legislation.

Mr. MCCAUL. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time to close.

Mr. VELA. Mr. Speaker, I have no further speakers, and I yield myself the balance of my time.

Mr. Speaker, H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017, aims to bring some relief to the tremendous staffing shortages at our ports of entry by providing CBP with limited authority to waive its polygraph requirement on a case-by-case basis for certain veterans and State and local law enforcement officers in its hiring process.

H.R. 2213 is endorsed by the NTEU, the union that represents frontline CBP officers.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in concluding this debate, it is important to note this bill is a bipartisan effort, passing unanimously out of my committee. It is supported by Ranking Member THOMPSON, Congressman VELA, and we thank you for that, and others. Again, it passed out unanimously.

I was pleased to see also a Dear Colleague letter sent by my Democratic counterparts on the Homeland Security Committee urging the passage of this bill. This only further underscores the bipartisan nature of this effort.

It is also supported, Mr. Speaker, by the U.S. Chamber of Commerce, the Border Trade Alliance, the CBP officers' union, and the Fraternal Order of Police, among others.

The issue is very clear. Not passing this bill will continue to keep American families at risk from dangers of human traffickers, drug smugglers, and international terrorists. Right now, we simply don't have an adequate number of Border Patrol agents and CBP officers to safeguard our Nation's border. We need to fix that. That is what this legislation does. It will allow us to bolster our forces with talented law enforcement officials and military personnel who have been previously vetted and have already demonstrated their commitment and patriotism to their fellow Americans.

□ 1545

As I have stated before, while new infrastructure and technology will be important in protecting this Nation, the brave men and women who confront threats to our homeland are our greatest assets.

Once again, I thank Congresswoman MCSALLY, Ranking Members VELA and

THOMPSON, and all those who supported this bill. It will help strengthen our borders.

Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I will be unable to vote today on H.R. 2213, the Anti-Border Corruption Reauthorization Act. If I would be present, I would vote against the bill.

While this bill purports to fast track the hiring of Customs and Border Patrol (CBP) agents in order to ensure our national security, it would actually water down hiring practices and allow potential vulnerabilities in the country's largest law enforcement agency. H.R. 2213 would allow certain CBP applicants to bypass polygraph testing.

In 2010 Congress passed the Anti-Border Corruption Act, which mandated CBP applicants pass a polygraph test as part of their hiring process. This bill was an essential step after an influx of corruption cases were revealed within the agency—ranging from drug trafficking to accepting bribes. Decreasing hiring standards as proposed by H.R. 2213 would do exactly what the Anti-Border Corruption Act of 2010 fixed.

Instead of finding common-sense ways to expedite the hiring process without compromising the integrity of the agency, H.R. 2213 irresponsibly cuts corners in an attempt to keep President Trump's campaign promises of quickly increasing border patrol agents.

I am absolutely committed to regaining control of our country's borders and have continually fought to restrict individuals who would do our citizens harm—both through terrorist attacks or drug smuggling—from entering the United States. This ill-conceived legislation does nothing to ensure increased border security.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT NO. 1 OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, after line 4, insert the following:  
**SEC. 4. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on the later of the following dates:

(1) The date on which all of the following have been completed:

(A) The Commissioner of U.S. Customs and Border Protection has conducted an evaluation and pilot program of the Test for Espionage, Sabotage, and Corruption (TES-C).

(B) The Inspector General of the Department of Homeland Security has certified such evaluation and pilot program.

(C) The Commissioner submits to Congress a report on such evaluation and pilot program.

(2) The date on which the Inspector General of the Department of Homeland Security completes a risk assessment of the population of individuals who could receive waivers under section 3(b) of the Anti-Border Corruption Act of 2010, as amended by this Act, and submits to Congress certification that providing waivers to such individuals would not endanger national security, undermine workforce integrity, or increase corruption.

The SPEAKER pro tempore. Pursuant to House Resolution 374, the gen-

tlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, this is, in fact, a national security issue. No other Federal law enforcement agency in the country—not the FBI, DEA, ATF, or Secret Service—makes any exceptions to their polygraph exam.

I understand that the CBP has a staffing shortage, but watering down vetting standards is dangerous and could lead to more corruption at the largest law enforcement agency in the country. In fact, 2,170 CBP personnel were arrested for sexual assault, excessive force, conspiring with international drug trafficking organizations, and other offenses between 2005 and 2012.

In response, Congress enacted legislation to require every applicant to undergo a polygraph exam—no exceptions. DHS' own Integrity Advisory Panel and the GAO have both recommended that the current polygraph testing be expanded, not reduced, given the higher rates of corruption at CBP than any other Federal law enforcement agency.

This bill takes us backward, and some current and former DHS officials have expressed concerns that the bill could expose the agency to corrupt individuals who could undermine the integrity of the workforce.

DHS Inspector General John Roth warned that the proposed legislation “could put CBP at significant risk and that while it may sound reasonable to say you could waive requirements from former military personnel because they have passed a polygraph, Border Patrol agents work in a different environment that is not as controlled as the military.”

Former CBP head of Internal Affairs has stated that “very few members of the military take polygraphs or have comprehensive background checks, and the quality of State or local law enforcement polygraphs varies widely.”

My amendment would delay the implementation of the bill until, one, CBP completes its ongoing pilot program of an alternative polygraph test that may help speed up hiring while maintaining vetting standards; and, two, the DHS inspector general determines that the bill would not endanger our national security, undermine workforce integrity, or, in fact, increase corruption.

I recognize that CBP is managing hiring and staffing issues. Passing this bill without knowing its potential risks or consequences is not only shortsighted, but I think it is irresponsible. We shouldn't blindly experiment with our Nation's security given that drugs, weapons, and human trafficking, as well as terrorism, are all threats we are facing at the border.

I urge my colleagues to join me in voting “yes” for my amendment to

help safeguard national security and protect the integrity of the CBP and its officers.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SCHNEIDER), my friend and colleague.

Mr. SCHNEIDER. Mr. Speaker, I thank the gentlewoman from New Mexico for yielding. I appreciate her leadership on this issue, and, as a cosponsor, I rise in strong support of this amendment.

Our Customs and Border Patrol officers face a difficult mission in an extremely challenging environment. Polygraph testing is an important tool to ensure those charged with patrolling our border are not corruptible by drug traffickers or other criminal elements.

I am sympathetic to the hiring and staffing challenges facing this agency, but we cannot cut corners or jeopardize the security of our border.

This amendment delays the implementation of this legislation until CBP can complete its ongoing test of an alternative, more efficient polygraph test.

This amendment also requires DHS determine these changes in the underlying bill to our polygraph procedures do not endanger our national security.

I urge my colleagues to join me in supporting this amendment to ensure we do not create unnecessary risks to the security of our border.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN), my colleague.

Ms. LOFGREN. Mr. Speaker, I think this is a good solution to the dilemma that faces us. We do have a hiring deficit in the Border Patrol, but we cannot give up on the need to fully vet these people.

The independent inspector said that the polygraphs had stopped dozens of applicants who have admitted to participation in human trafficking, defrauding the government, and have links with cartels intent to infiltrate CBP.

There has been, actually, a release from the Freedom of Information Act of people who would be eligible for the exemption who admitted, under the polygraph, to sexual assault, to child pornography, to taking classified information from Afghanistan, to taking classified information from Iraq, a sheriff's employee who engaged in theft, and a police officer who was a smuggler. The Border Patrol cannot afford this.

I think the gentlewoman's amendment actually preserves what we want, and I would highly recommend that we approve it.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. McCAUL. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.



Mr. McCAUL. Mr. Speaker, I rise in opposition to the Lujan Grisham amendment.

Let me say, first, that the Secretary of Homeland Security testified before my committee this morning, a decorated four-star general serving in Iraq and Afghanistan. He is the head of SOUTHCOM. This man knows the border. Secretary Kelly supports this legislation.

I find it a bit offensive that decorated veterans who have already received clearances somehow would present a threat to the security of the United States, so I reject that argument.

This amendment strikes me as an unnecessary and harmful delay tactic that would prevent CBP from implementing the much-needed flexibility provided for in the underlying bill.

If the delays called for in this amendment were put in place, CBP would have to sit and wait until certain unnecessary obstacles were overcome, some of which are completely out of their control. All the while, they would continue to hemorrhage officers and agents, threatening the Nation's border security and the flow of commerce in and out of the country. This could put our national security at risk and would be, further, detrimental to the flow of legitimate trade and travel.

CBP has missed hiring targets for Border Patrol agents for 4 years and CBP officers for almost 18 months. We need additional officers and agents now, simply to meet the congressionally mandated CBP staffing levels that have been put in place for a year. We cannot wait for more reports and evaluations.

Sadly, this amendment looks to me like an attempt by opponents of the bill to prevent the important provisions of this bill from going into effect in a timely manner, thus preventing the hiring of already trusted and vetted individuals who have served their Nation and the military with honor and distinction.

It is also important to underscore two points here: one, that all applicants will continue to be fully vetted, including a rigorous tier 5 background investigation, which is equivalent to the investigation performed for all servicemembers who hold a top secret clearance; and second, the authority granted under this bill is discretionary. If the CBP Commissioner wishes to require a polygraph examination for any applicant for any reason, he can and should still do so.

Mr. Speaker, we cannot afford to wait any longer. As the Speaker knows, who is briefed on the threats, as do I, in a classified setting, the threats are real. This Nation is at risk, and we cannot afford to wait.

So, for these reasons, I oppose the amendment, and I urge my colleagues to reject it.

Let me just close, again, by saying I oppose the amendment. The men and women wearing the uniform on the front lines of our ports and borders

need relief now, and any delay tactics should be rejected. Therefore, I urge opposition, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

The question is on the amendment offered by the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the order of the House of today, further proceedings on this question will be postponed.

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. CAPUANO. Mr. Speaker, I rise to a question of the privileges of the House that was previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Expressing the sense of the House of Representatives that the President shall immediately release his tax return information to Congress and the American people.

Whereas, in the United States' system of checks and balances, Congress has a responsibility to hold the Executive Branch of government to a fair and equal standard of transparency ensuring the public interest is placed first;

Whereas, according to the Tax History Project, every President since Gerald Ford has disclosed their tax return information to the public;

Whereas, tax returns provide an important baseline of reasonable information including whether the President paid taxes, ownership interests, charitable donations made, and whether tax deductions have been exploited;

Whereas, disclosure of the President's tax returns could help those investigating Russian influence in the 2016 election understand the President's financial ties to the Russian Federation and Russian citizens, including debts owed and whether he shares any partnership interests, equity interests, joint ventures or licensing agreements with Russia or Russians;

Whereas, the President recently fired Federal Bureau of Investigation Director James Comey, under whose leadership the FBI was investigating whether the Trump campaign colluded with Russia to influence the 2016 election;

Whereas, President Trump reportedly stated to Russian officials during a White House meeting that he fired Director Comey to ease pressure on the ongoing investigation of Russia's influence in the 2016 election;

Whereas, Senate Russia investigators have requested information from the Treasury Department's criminal investigation division, the Financial Crimes Enforcement Network, or FinCEN, which handles cases of money laundering, for information related to President Trump, his top officials and campaign aides. FinCEN has been investigating allegations of foreign money-laundering through purchases of U.S. real estate;

Whereas, the President's tax returns would show us whether he has foreign bank accounts and how much profit he receives from his ownership in myriad partnerships;

Whereas, Donald Trump Jr. said the Trump Organization saw money "pouring in from Russia" and that "Russians make up a pretty disproportionate cross-section of a lot of our assets."

Whereas, Congress gave itself the authority to review an individual's tax returns to investigate and reveal possible conflicts of interest of executive branch officials involved dating back to the Teapot Dome scandal.

Whereas, it has been reported that federal prosecutors have issued grand jury subpoenas to associates of former National Security Advisor Michael Flynn seeking business records as part of the ongoing probe into Russian involvement in the 2016 election;

Whereas, according to his 2016 candidate filing with the Federal Election Commission, the President has 564 financial positions in companies located in the United States and around the world;

Whereas, against the advice of ethics attorneys and the Office of Government Ethics, the President has refused to divest his ownership stake in his businesses; and can still withdraw funds at any time from the trust of which he is the sole beneficiary;

Whereas, the Emoluments Clause was included in the U.S. Constitution for the express purpose of preventing federal officials from accepting any "present, Emolument, Office, or Title . . . from any King, Prince, or foreign state";

Whereas, the Chairmen of the Ways and Means Committee, Joint Committee on Taxation, and Senate Finance Committee have the authority to request the President's tax returns under Section 6103 of the tax code;

Whereas, the Joint Committee on Taxation reviewed the tax returns of President Richard Nixon in 1974 and made the information public;

Whereas, the Ways and Means Committee used IRC 6103 authority in 2014 to make public the confidential tax information of 51 taxpayers;

Whereas Director Comey has testified that tax returns are a common tool in investigations because they can show income and motives;

Whereas, the American people have the right to know whether or not their President is operating under conflicts of interest related to international affairs, tax reform, government contracts, or otherwise: Now, therefore, be it:

*Resolved*, That the House of Representatives shall—

1. Immediately request the tax return information of Donald J. Trump for tax years 2006 through 2015 for review in closed executive session by the Committee on Ways and Means, as provided under Section 6103 of the Internal Revenue Code, and vote to report the information therein to the full House of Representatives.

2. Support transparency in government and the longstanding tradition of Presidents and Presidential candidates disclosing their tax returns.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentleman from Massachusetts wish to present argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Mr. CAPUANO. Yes, Mr. Speaker, I would like to do so.

The SPEAKER pro tempore. The gentleman is recognized on the question of order.